

REMARKS

This is in response to the Office Action dated September 10, 2004.

In that Office Action, the Examiner entered obvious-type double patenting rejections based on commonly-assigned U.S. Patents Nos. 6,623,724, 6,214,888, and 6,267,948. Although some of the language used in the claims of the '724, '888, and '948 patents is used in the claims of the present application, applicants do not agree with the Examiner's broad brush assertions regarding the lack of patentable distinctions and, in particular, do not agree with the Examiner's reasons for asserting the absence of patentable distinctions between all of the claims of this application and all of the claims of each of the '724, '888, and '948 patents.

However, to facilitate the prosecution of this application, submitted herewith is a terminal disclaimer for the present application directed to the '724, '888, and '948 patents. To avoid any possible questions of double patenting with regard to applicants' claims directed to diseases mediated by perturbations of the NO/cGMP/PKG pathway, the terminal disclaimer also includes commonly-assigned U.S. Patents Nos. 5,990,177 and 6,294,585, which share common priority dates and thus have common 20-year terms with the present application. This terminal disclaimer is being made without prejudice and its sole purpose is to obviate any possible double patent issues regarding this application. Pursuant to the holding in, for example, Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), this terminal disclaimer is not to be construed in any way as an obviousness admission with regard to any of the claims of this application or of the '724, '888, '948, '177, or '585 patents.

By the above amendments, applicants have added two additional sets of claims to this application to provide further levels of protection for their invention. Specifically, added Claims 15-28 correspond to original Claims 1-14, but are directed to the subset of the compounds of the original claims which have a bornane structure. Claims 29-42 also correspond to original Claims 1-14, but in this case are directed to the subset of compounds having a pinane structure. Support for these claims can be found

in the original claims of which the new claims are subsets, as well as throughout applicants' specification.

Amendments have also been made to the original claims to more explicitly define the meaning of the word "effective" as used in those claims and to include this more explicit definition in the bodies, as opposed to just the preambles, of the claims. This revised structure of the original claims has also been used in the added claims.

In view of the foregoing, applicants believe that this application is in condition for allowance. Accordingly, reconsideration and the issuance of a notice of allowance for the application are respectfully requested.

Respectfully submitted,

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